IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5319 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KISHORBHAI LAKHUBHAI DHANDHAL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5319 of 1999
MR HR PRAJAPATI for Petitioner No. 1
MR SIRAJ GORI AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 19/04/2005

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

By way of this petition filed under Article 226 of the Constitution of India, the petitioner challenged the impugned order dated 7.11.1997 passed by the respondent No.1 rejecting the period of non-user from 1.2.1996 to 31.3.1996. Reliance was placed on the judgment of the Division Bench of this court in case of Kaushikbhai K. Patel & Anr. vs. State of Gujarat & Ors. reported in 1998(2) GLR 1093 by the petitioner in support of his submission that the impugned order is violative of principles of natural justice. In reply affidavit the respondent made it clear that the said judgment of the Division Bench was stayed by the Apex Court (Annexure-IV). It is also contended that the order is revisable under Section 14-A of the Bombay Motor Vehicles Act, 1958 (for short "the Act").

It appears from the order sheet of this petition that initially notice was issued and later on rule, but no interim relief was granted in favour of the petitioner.

Having carefully gone through the impugned order passed by the respondent No.1 dated 7.11.1987 rejecting the period of non-user of the vehicle from 1.2.1996 to 31.3.1996, we do not want to interfere with the same in our extraordinary jurisdiction under Article 226 of the Constitution of India, more particularly, when the petitioner has alternative remedy of revision.

In view of the above discussion, this petition fails and is hereby dismissed. Rule discharged.

(B.J.Shethna, J.)

(M.C.Patel, J.)

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